

DRAFT PERMIT

Permit No: 200801073-SB

Municipality: Town of Guilford

Work Area: Long Island Sound off property located at 28 Loyal Ledge Lane

Permittee: Frank von Holzhausen
28 Loyal Ledge Lane
Guilford, CT 06437

Pursuant to sections 22a-359 through 22a-363f of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98, and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to install a pier, ramp and float for private recreational boating access, retain steps for shoreline access and retain and modify a seawall for shoreline protection as is more specifically described below in the SCOPE OF AUTHORIZATION, in Long Island Sound off property identified as the "work area" above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in Application No. 20081073-SB, including eight (8) sheets of plans identified as sheets 1 through 3 and 6 dated April 1, 2008, sheets 4 and 5 dated April 1, 2008 and revised January 21, 2009 and sheets 5a and 5b dated January 21, 2009 submitted by the Permittee to the Commissioner and attached hereto:

1. Retain existing structures as follows:
 - A. an approximately 75 linear foot stone and mortar bulkhead section at the southwestern end of the site comprised of upper and lower tiers, of which only the lower 2' wide by 4' high tier is located waterward of the high tide line;
 - B. a 2.5' long by 2.5' wide set of stairs projecting waterward from the bulkhead authorized above; and
 - C. an approximately 105 linear foot stone and mortar bulkhead section at the southeastern end of the site which is 3' wide and 5' high.

2. modify the easterly section of bulkhead authorized pursuant to paragraph 1.A., above, that extends to the north toward the house by relocating the upper tier of the bulkhead 3' to the west into the upland and installing a 12" concrete cap atop the lower tier which extends 5.5' landward to meet the relocated upper tier; and
3. Construct a dock accessed by the concrete cap authorized pursuant to paragraph 2, above, comprised of an approximately 4' wide by 18.5' long pier supported by four piles pinned to the ledge, and install a 3' wide by 26' long ramp and an 10' wide by 16' long float oriented with the long axis parallel to shore and secured by two anchors and cross-brace chains secured to the ledge.

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

SPECIAL TERMS AND CONDITIONS

1. Except as specifically authorized by this permit, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
2. Not later than two weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
3. The Permittee shall install the piles that support the pier authorized herein by hand using hand held equipment during periods of low water.
4. The soil removed to facilitate installation of the relocated upper tier of the bulkhead shall be removed and disposed of on site landward of the high tide line and outside of any tidal wetlands or at an upland site approved for the disposal of such material in accordance with all applicable law.
4. The Permittee shall ensure that all work conducted by a water-based barge shall take place during periods of high water only in order to ensure that the barge does not rest on or come in contact with the substrate. Any such barge must move to deeper waters during periods of low water, but shall not interfere with navigation in the river or be berthed in an area of submerged aquatic vegetation or tidal wetland vegetation. It shall not be a defense to this provision for the Permittee to assert that they have no control over the operation of the barge.
6. The Permittee shall remove the ramp and float authorized herein no later than September 15 of any calendar year and shall not install such ramp and float before May 15 of any calendar year.

Upon removal of the ramp and float authorized herein, the Permittee shall store such structures at an upland location, landward of the high tide line and outside of tidal wetlands.

8. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
9. All waste material generated by the performance of the work authorized herein shall be disposed of by the Certificate Holder at an upland site approved for the disposal of such waste material, as applicable.
10. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums, and structures.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least 30 days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request at her sole discretion.
 - b. Any work authorized herein conducted after said work completion date or any authorized one-year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363f.
4. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area

the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.

5. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
6. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit/certificate, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
7. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.
8. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

9. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
10. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.

11. This permit may be revoked, suspended, or modified in accordance with applicable law.
12. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as the Commissioner authorizes a transfer.
13. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
14. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
15. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates that may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
16. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
17. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
18. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.

19. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
20. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2009

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Betsey Wingfield
Bureau Chief
Bureau of Water Protection & Land Reuse

Permit No. 200801073-SB
Frank von Holzhausen, Permittee

sb

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

PERMITTEE: Frank von Holzhausen
28 Loyal Ledge Lane
Guilford, CT 06437

Permit No: 200801073-SB, 28 Loyal Ledge Lane, Guilford, CT

CONTRACTOR 1:

Address:

Telephone #:

CONTRACTOR 2:

Address:

Telephone #:

CONTRACTOR 3:

Address:

Telephone #:

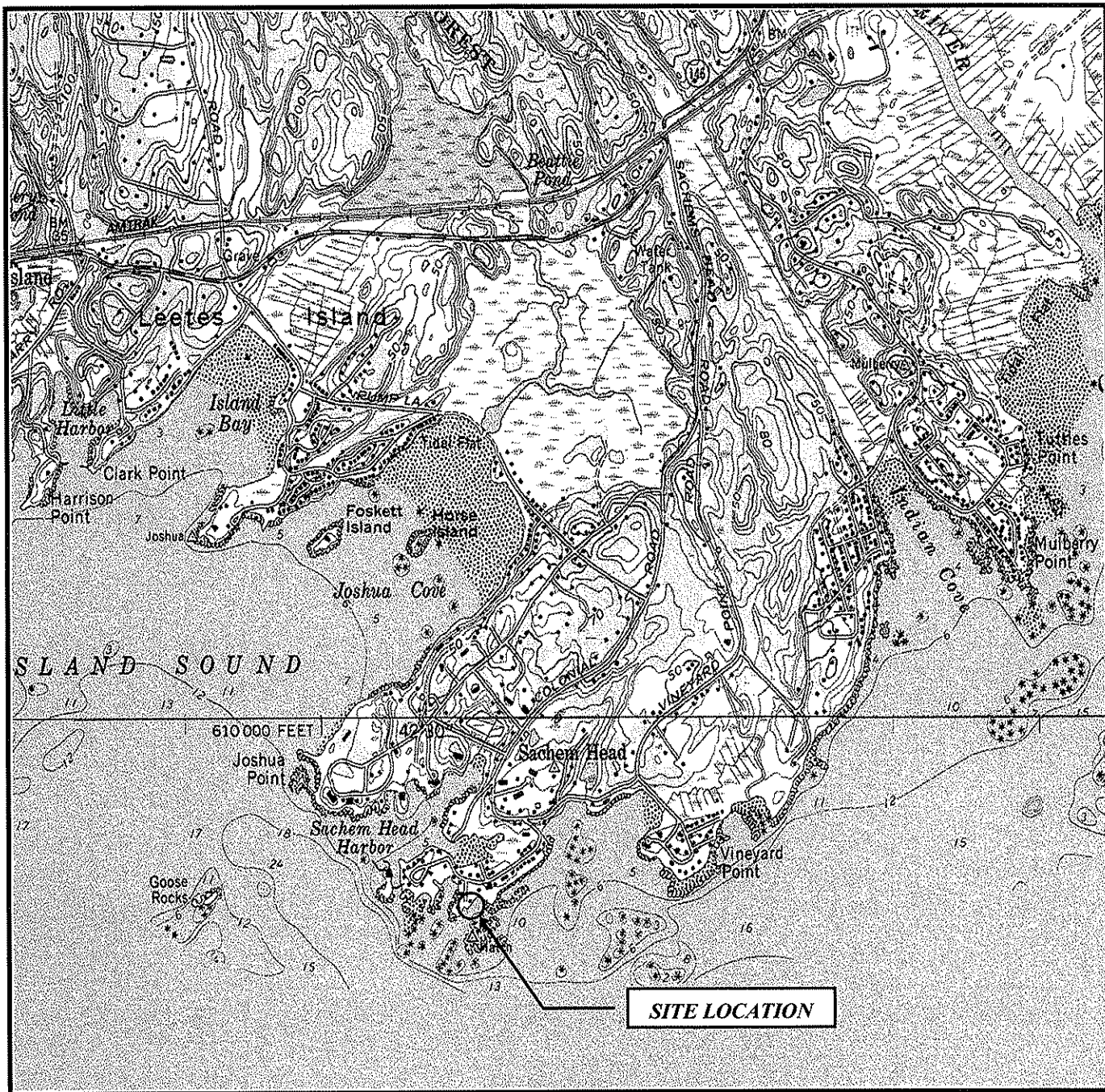
EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE:

(signature)

(date)



SCALE: 1 = 12,000

MAP TAKEN FROM 7.5 MINUTE USGS TOPOGRAPHIC MAPS OF THE GUILFORD, CONNECTICUT QUADRANGLE, 1960 (PHOTOINSPECTED 1976, PHOTOREVISED 1984).

Coastline Consulting, LLC

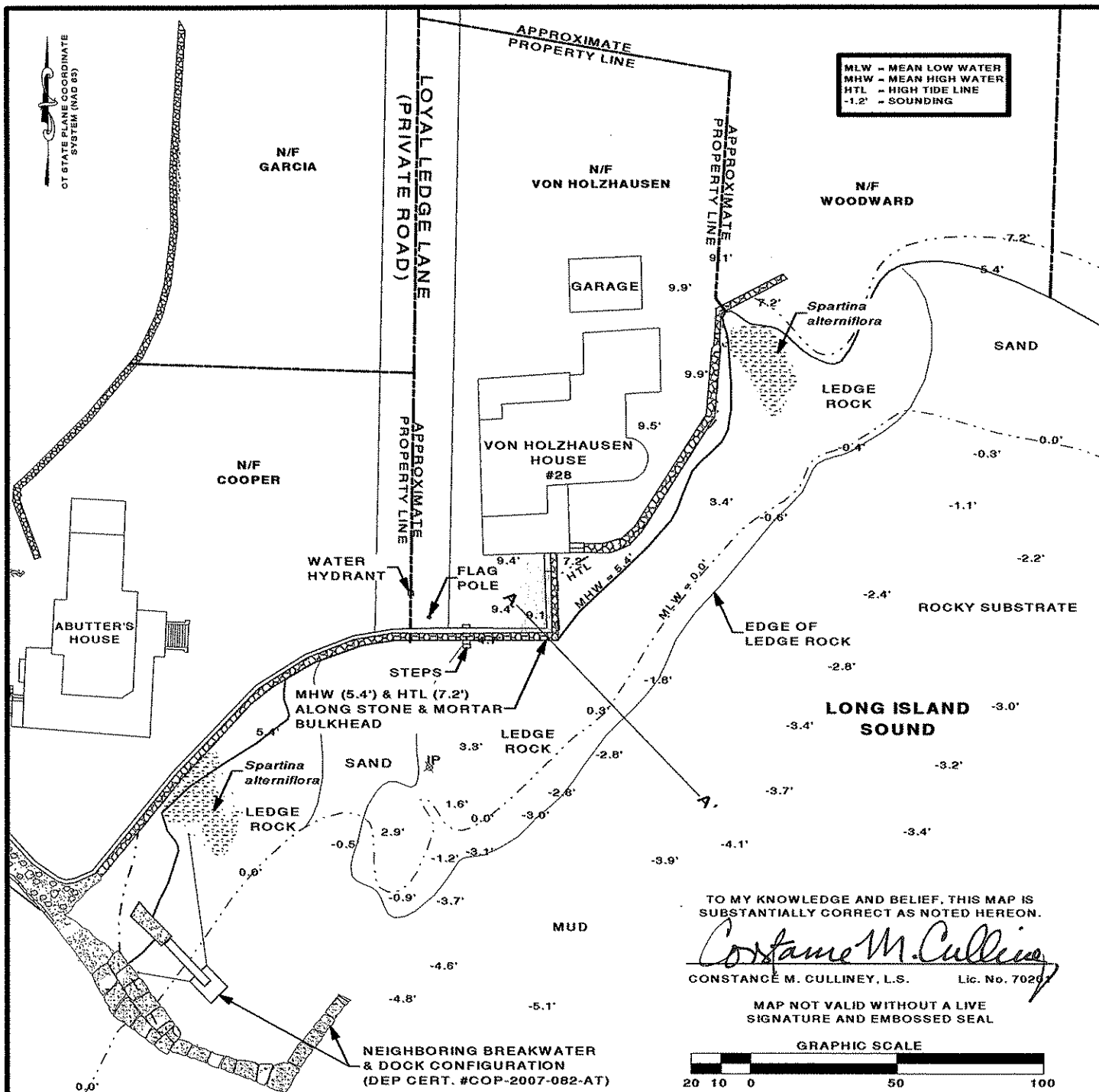
5-B Old Post Road, Madison CT 06443
(203) 245-8138

FIGURE 1 of 6
SITE LOCATION MAP

von HOLZHAUSEN
28 LOYAL LEDGE LANE
GUILFORD, CONNECTICUT

APRIL 1, 2008

FILE NO.: 07-88



NOTES:

- 1) A. THIS MAP/SURVEY HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC., ON SEPTEMBER 26, 1996.
- B. THIS MAP/SURVEY WAS PREPARED FROM RECORD RESEARCH, OTHER MAPS, LIMITED FIELD MEASUREMENTS COLLECTED ON 12-31-2007, AND 01-16-2008, AND OTHER SOURCES. IT IS NOT TO BE CONSTRUED AS A PROPERTY/BOUNDARY OR LIMITED PROPERTY/BOUNDARY SURVEY, AND IS SUBJECT TO SUCH FACTS AS SAID SURVEYS MAY DISCLOSE.
- C. THE TYPE OF SURVEY IS A "GENERAL LOCATION SURVEY" INTENDED TO DEPICT THE LOCATIONS AND ELEVATIONS OF CERTAIN EXISTING SITE & COASTAL IMPROVEMENTS AND FEATURES.
- D. FOR PROPERTY LINES AND BUILDINGS: THE HORIZONTAL ACCURACY CONFORMS TO "CLASS D". FOR SITE & COASTAL IMPROVEMENTS AND FEATURES: THE HORIZONTAL ACCURACY CONFORMS TO "CLASS D", AND THE TOPOGRAPHICAL ACCURACY CONFORMS TO "CLASS T-D".
- 2) REFERENCE IS MADE TO THE FOLLOWING MAPS:
 - A. "PROPERTY OF ANNE MCBRIDE CURTIS, LOYAL LEDGE AVE., GUILFORD, CT" DATED NOVEMBER 6, 1996, SCALE 1"=20', AND PREPARED BY RUSSELL WALDO, 89 STATE STREET, GUILFORD, CONNECTICUT 06437.
 - B. GUILFORD ASSESSOR MAP #1.
- 3) SOUNDINGS AND UPLAND ELEVATIONS ARE IN FEET, FIELD-LOCATED BY COASTLINE CONSULTING, LLC, AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NGVD 29 VERTICAL DATUM.
- 4) THIS MAP IS FOR PLANNING AND PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR BID DOCUMENTS, STRUCTURAL DESIGN, OR CONSTRUCTION, OR FOR FILING ON LAND RECORDS IN TOWN OR CITY CLERK OFFICE. THE PROPERTY LINES ARE DEPICTED GRAPHICALLY ONLY, AND DO NOT REPRESENT ANY PROPERTY/BOUNDARY OPINION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.

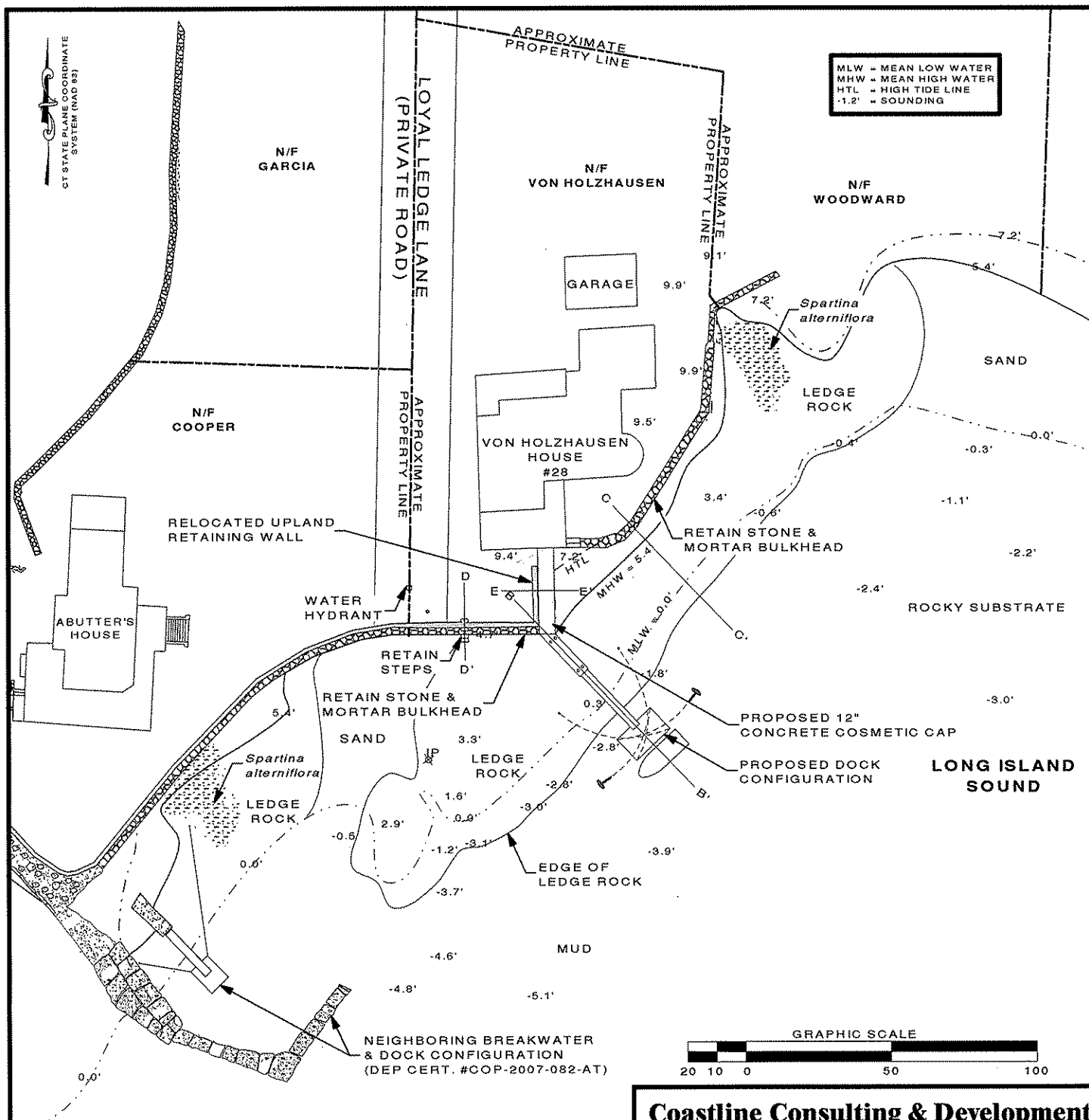
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FIGURE 3 of 6 GENERAL LOCATION SURVEY EXISTING CONDITIONS

Von HOLZHAUSEN PROPERTY
 28 LOYAL LEDGE LANE
 GUILFORD, CONNECTICUT

APRIL 1, 2008

SCALE: 1" = 50'



NOTES:

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- 2) REFERENCE IS MADE TO THE FOLLOWING MAPS:
A. FIGURE 3, GENERAL LOCATION SURVEY, EXISTING CONDITIONS, VON HOLZHAUSEN PROPERTY, 28 LOYAL LEDGE LANE, GUILFORD, CONNECTICUT, DATED APRIL 1, 2008 AND PREPARED BY COASTLINE CONSULTING, LLC.
- 3) SOUNDINGS AND UPLAND ELEVATIONS ARE IN FEET, FIELD-LOCATED BY COASTLINE CONSULTING, LLC, AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NGVD 29 VERTICAL DATUM.
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Coastline Consulting & Development

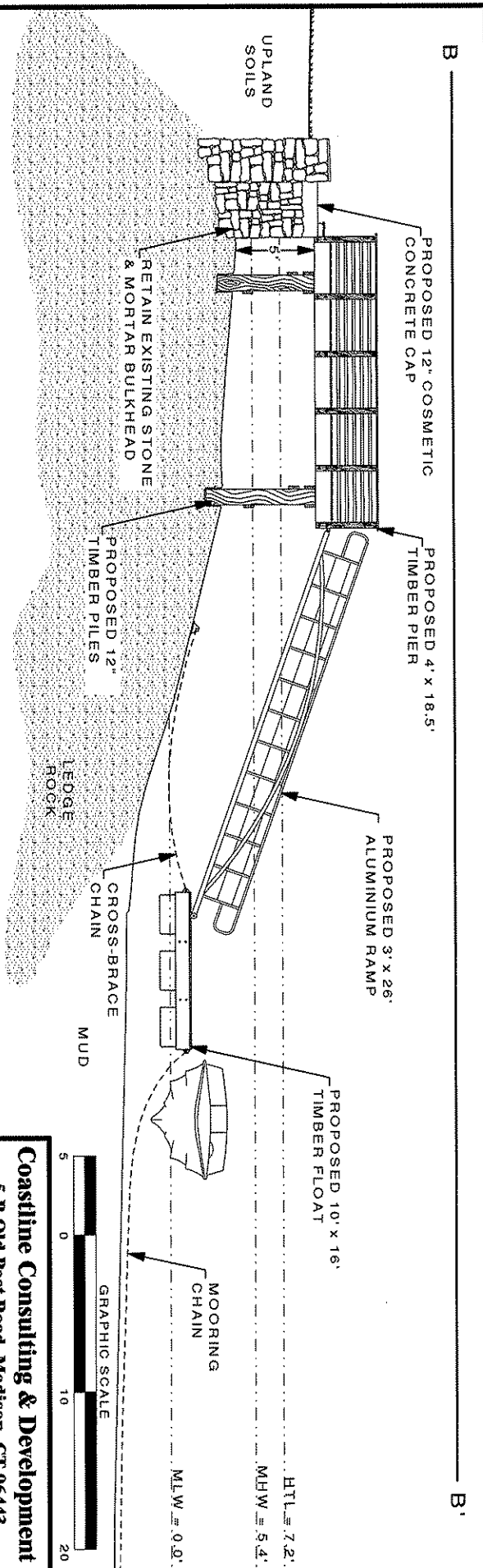
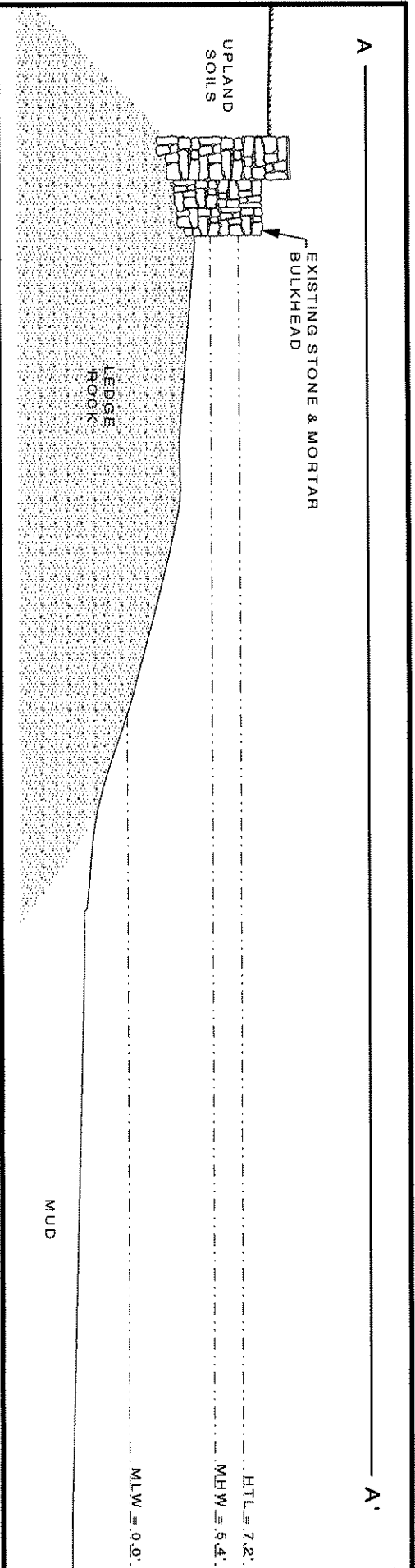
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(203) 245-8138

FIGURE 4 of 6 PROPOSED CONDITIONS

VON HOLZHAUSEN PROPERTY
28 LOYAL LEDGE LANE
GUILFORD, CONNECTICUT

APRIL 1, 2008
REV. JANUARY 21, 2009

SCALE: 1" = 50'



NOTES:

- 1) THIS APPLICATION DRAWING WAS PREPARED FROM RECORD RESEARCH, OTHER MAPS, LIMITED FIELD MEASUREMENTS COLLECTED ON 12-31-2007, AND 01-16-2008, AND OTHER SOURCES. IT IS NOT TO BE CONSTRUCTED AS A PROPERTY/BOUNDARY OR LIMITED PROPERTY/BOUNDARY SURVEY, AND IS SUBJECT TO SUCH FACTS AS SAID SURVEYS MAY DISCLOSE.
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 - B. "FIGURE 4, GENERAL LOCATION SURVEY, PROPOSED CONDITIONS, von HOLZHAUSEN PROPERTY, 28 LOYAL LEDGE LANE, GUILFORD, CONNECTICUT" DATED APRIL 1, 2008, REVISED JANUARY 21, 2009, AND PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
- 3) SOUNDINGS ARE IN FEET AND ARE REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM, BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29).
- 4) THIS APPLICATION DRAWING IS FOR PLANNING AND PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR BID DOCUMENTS, STRUCTURAL DESIGN, OR CONSTRUCTION. PROPOSED IMPROVEMENTS ARE DEPICTED GRAPHICALLY ONLY. NOT ALL ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.

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FIGURE 5 of 6

PROJECT CROSS-SECTIONS

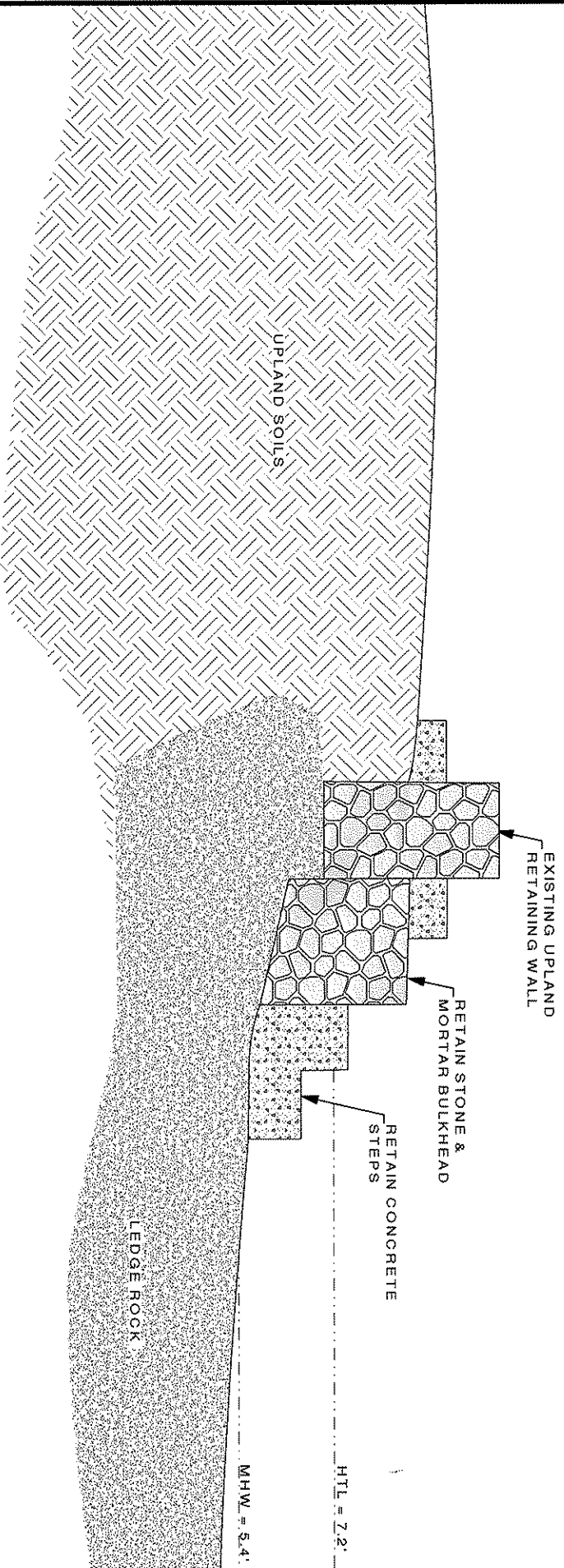
von HOLZHAUSEN PROPERTY
28 LOYAL LEDGE LANE
GUILFORD, CONNECTICUT

APRIL 1, 2008

REV. JANUARY 21, 2009

SCALE: 1" = 10'

D _____ D'



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FIGURE 5a of 6
PROJECT CROSS-SECTIONS

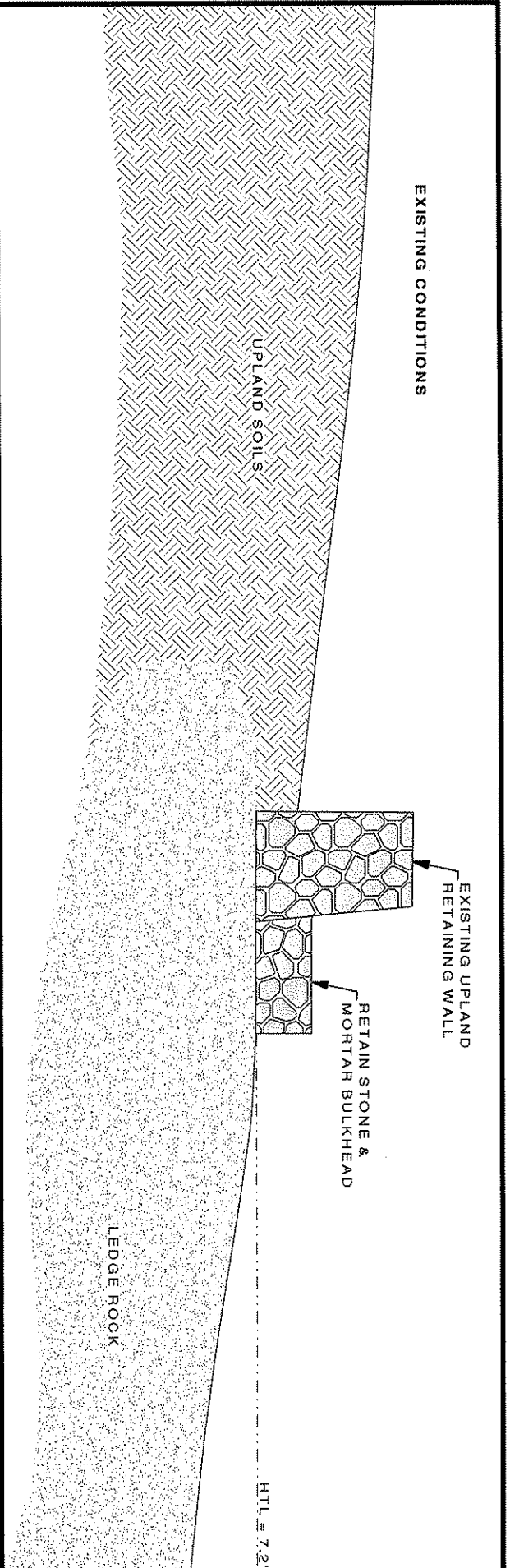
VON HOLZHAUSEN PROPERTY
28 LOYAL LEDGE LANE
GUILFORD, CONNECTICUT

JANUARY 21, 2009

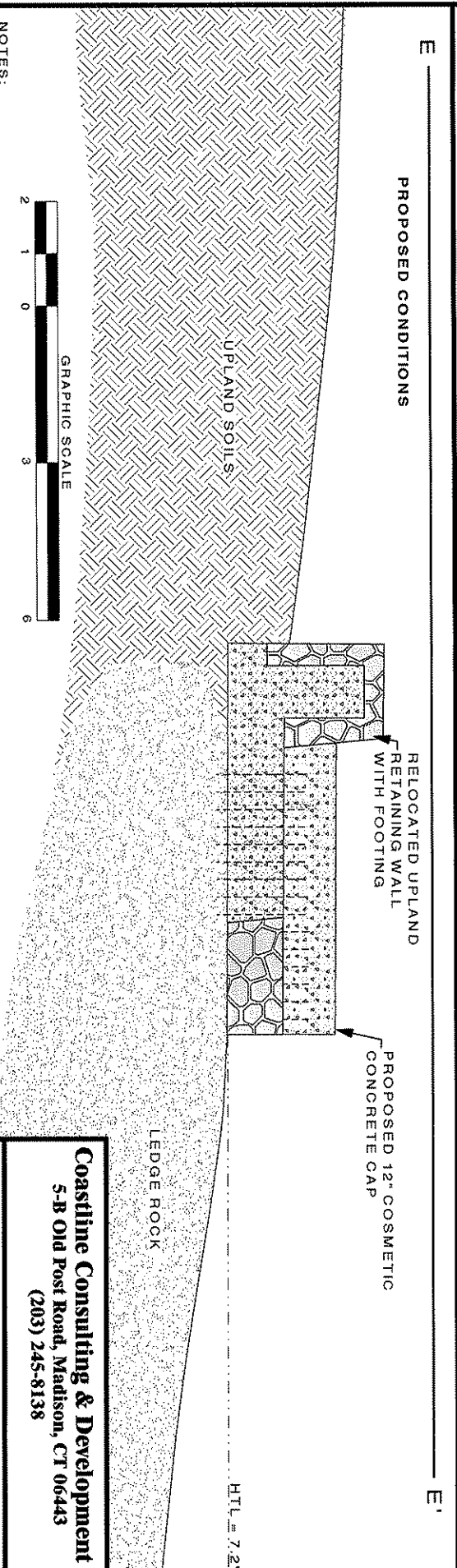
SCALE: 1" = 3'

- NOTES:
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EXISTING CONDITIONS



PROPOSED CONDITIONS



- NOTES:
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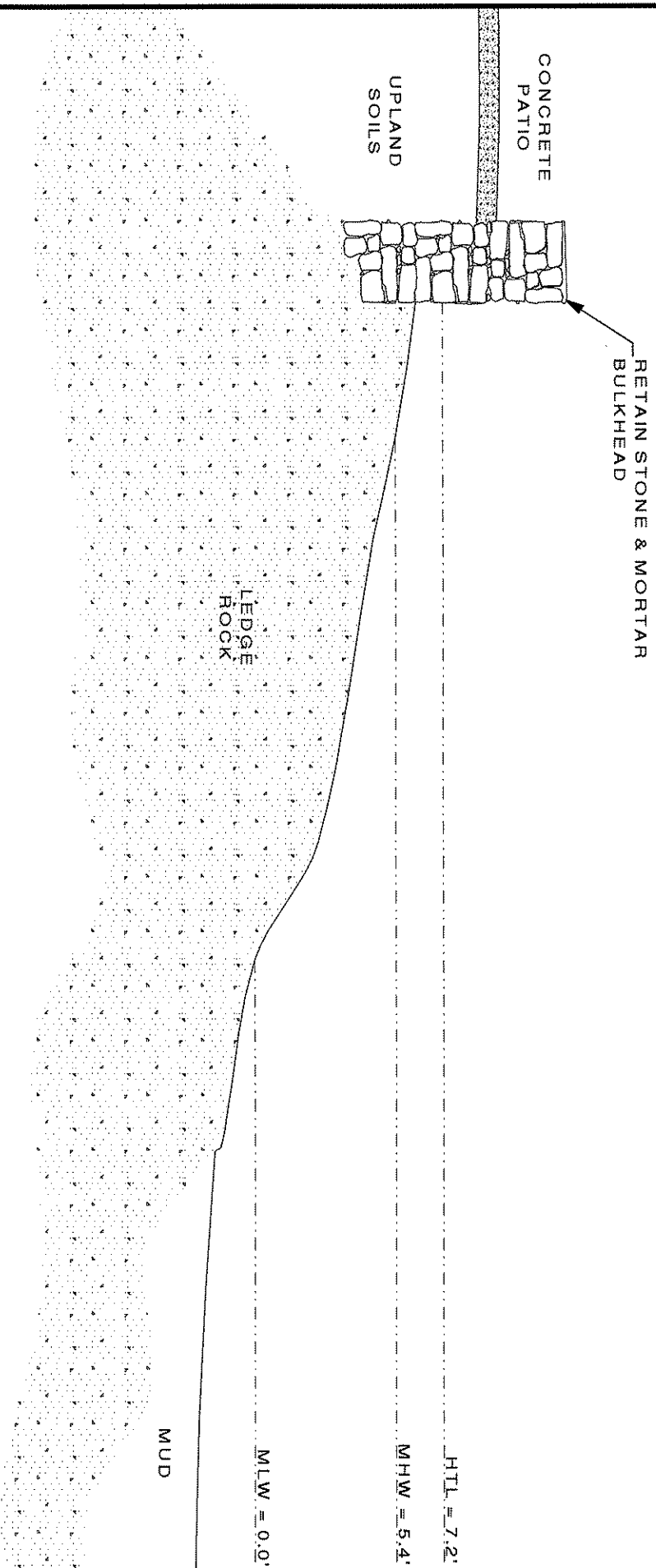
FIGURE 5b of 6
 PROJECT CROSS-SECTIONS

VON HOLZHAUSEN PROPERTY
 28 LOYAL LEDGE LANE
 GUILFORD, CONNECTICUT

JANUARY 21, 2009

SCALE: 1" = 3'

C _____ C'



NOTES:

- 1) THIS APPLICATION DRAWING WAS PREPARED FROM RECORD RESEARCH, OTHER MAPS, LIMITED FIELD MEASUREMENTS COLLECTED ON 1/16/08, AND OTHER SOURCES. IT IS NOT TO BE CONSTRUED AS A PROPERTY/BOUNDARY OR LIMITED PROPERTY/BOUNDARY SURVEY, AND IS SUBJECT TO SUCH FACTS AS SAID SURVEYS MAY DISCLOSE.
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Coastline Consulting, LLC
5-B Old Post Road, Madison, CT 06443
(203) 245-8138

FIGURE 6 of 6
PROJECT CROSS-SECTIONS

VON HOLZHAUSEN PROPERTY
28 LOYAL LEDGE LANE
GUILFORD, CONNECTICUT

APRIL 1, 2008
SCALE: 1" = 6'
HORIZ. & VERT.